

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

NAVIGATOR HEARTLAND)	
GREENWAY LLC,)	
)	No. EQCE088024
Plaintiff,)	
)	
vs.)	
)	INTERVENTION PETITION
IOWA UTILITIES BOARD,)	
)	
Defendant.)	

Comes now Sierra Club Iowa Chapter and in support of this Intervention Petition states to the Court as follows:

1. The Iowa Chapter of the Sierra Club has approximately 7,000 members across Iowa and is part of a national organization with over 700,000 members. Our mission is to preserve and protect Iowa's environment. An important focus of our advocacy is addressing the crisis of climate change. We also work for the preservation of farmland and soil health. We are opposed to the carbon dioxide pipeline project proposed by Navigator Heartland Greenway LLC (Navigator) because it is a false solution to climate change that will divert attention from more effective solutions. We also oppose the Navigator project because it will adversely impact the farmland over which it would be constructed.

2. Navigator is a pipeline company within the meaning of Iowa Code 479B.2, subject to the jurisdiction of the Iowa Utilities Board (IUB).

3. The IUB is a state agency having the jurisdiction and authority to permit hazardous liquid pipelines in Iowa, pursuant to Chapter 479B of the Iowa Code.

4. Sierra Club has been working with landowners who will likely be impacted by the construction and operation of the Navigator pipeline. The landowners are an important factor in challenging the permitting of the pipeline. It is therefore important for Sierra Club

to have the names of all likely affected landowners in order to help them respond to the threat of the pipeline crossing their land.

5. Navigator was required by the IUB to submit the list of landowners to the IUB, but Navigator requested that the list be kept confidential and not released to the public. Sierra Club filed a resistance to that request.

6. Navigator in this action seeks to prevent release of the landowner list on several grounds. Sierra Club resists Navigator's arguments as follows:

A. Navigator has not shown, pursuant to Iowa Code § 22.7(3), that the landowner list is a trade secret because it has not shown that the list has independent economic value. Further, in that connection, Navigator has not shown that its alleged competitor, Summit, would gain any competitive advantage from having access to the list.

B. Navigator has not shown, pursuant to Iowa Code § 22.7(6), that releasing the landowner list would give a competitor a competitive advantage and would serve no public purpose. Judge Nelmark, in *Summit Carbon Solutions v. IUB*, Polk County No. CVCV062900 (2022), specifically found that release of the list would serve a public purpose.

C. Navigator is incorrect in relying on an alleged privacy balancing test. The decision in *Clymer v. City of Cedar Rapids*, 601 N.W.2d 42 (Iowa 1999), was based on a specific statutory exemption in the Open Records Law and did not announce a general balancing test.

WHEREFORE, Sierra Club Iowa Chapter requests that it be allowed to intervene and that the Court deny Navigator's Petition for Temporary and Permanent Injunction.

/s/ *Wallace L. Taylor*

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